

MARCH 2, 2011 PLANNING COMMISSION MEETING MINUTES

The Eudora Planning Commission met in regular session on Wednesday evening, March 2, 2011 in the Eudora Municipal Building. Five members were present: Chairman Kurt von Achen, Ken Adkinson, Glenn Bartlett, Rose House and Grant Martin.

Also present were Consultant Scott Michie of Lochner/BWR, Codes Administrator Curt Baumann, his assistant Debbie Eaton, and Reporter John Schulz. City Administrator John Harrenstein arrived near the end of the meeting.

Chairman von Achen called the meeting to order at 7:30 p.m. and the pledge of allegiance was recited. He asked for consideration of the minutes of the February 2, 2011 meeting. Consultant Michie suggested that the commission might want to amend the motion to table the application for a Use Permitted Upon Review for a billboard as written in the minutes. He proposed striking the word "duties" and clarifying the reasons for tabling. The amended motion would read as follows:

"Campbell moved to table the application until the March meeting due to needing the elevations marked to verify compliance of the sign application with height restrictions and the proximity of the proposed sign to the average grade of the ground on which it would be placed; the applicant's current submittal is not specific enough, making the code administrator's ability to rule on the application too vague, and the fact that the nearest neighbor has appeared and has serious objections."

Rose House moved to change the motion as given in the February 2nd minutes to the motion as amended above. Glenn Bartlett seconded the motion. There was no discussion. The vote was unanimous in favor, 5-0.

As Administrator Harrenstein was not present there was no report from him, but the chairman invited Consultant Michie to speak about the Church Street Corridor Study Executive Summary as presented in the commission's packet.

Michie responded, explaining that the City of Eudora had requested and received a 100% grant from the Kansas Department of Transportation (KDOT) under the Traffic Engineering Assistance Program (TEAP) for a corridor study on Church Street between 23rd Street and 13th Street. The study included an assessment of existing traffic conditions, and field reconnaissance of pedestrian and bicycle accommodations.

Michie said this was a follow-through on the Church Street Corridor part of the Nottingham guidelines. He said Church Street was not designed to be multi-modal, which includes space for

walking and bicycle riding. Most of the corridor does not have sidewalks, and the shoulders are too narrow for walking.

He said this plan allows space for walking and bicycling, and for turn lanes at certain intersections, but most importantly, it shows an addition to the overpass to allow safe passage for pedestrians and bike riders. Michie said their engineers find this would be more cost-effective than building a separate bridge, or replacing the present overpass.

The chairman next referred to the building inspector's report which showed a building permit had been issued for one new residence to Tim Dietz at 107 Lakeview Lane, valuation \$235,000, and a permit for an addition to a manufactured home, value \$17,500 was issued to Frank Smith at 1200 Church, #5. Eleven remodeling and two sign permits brought the total for the month to \$362,200 and fees amounted to \$5,833.

Codes Administrator Baumann said the staff has cut the development fees in half, with the hope that it will lead to more construction.

There were no public comments so the chairman turned to Item A on the agenda which had called for a continued public hearing on the application for a Use Permitted Upon Review for a billboard on the HP Pelzer property on the north side of Highway 10 in the Intech Business Park. He stated the hearing is postponed for two reasons.

At the February meeting the application was found not to comply with two provisions of the billboard standards, and in addition there were deficiencies as noted in the amended minutes. As of February 23rd the applicant had not provided any information or assurances that he would be in compliance, so the staff found the application remains incomplete and deficient, and continues to be tabled.

The second reason is that the City Council passed Ordinance No. 952 establishing a temporary moratorium on all sign permit applications and approvals and on all Use Permit Upon Review applications and approvals for all properties within the corporate limits of the City of Eudora, Kansas. This is because the city's outside consultants are undertaking an analysis of the city's current regulations and procedures for sign permits and for UPURs. The moratorium is for 90 days but it can be extended, Michie said.

Public Hearing Item B also concerned Uses Permitted Upon Review. Consultant Michie said they had found Section 6 on UPURs is worded as a fairly simple process, but it does not conform to Section 10, Administration, Sub-section 16-1001(9) which provides for protest petitions and super-majority voting requirements. Therefore, staff is recommending amendment of the zoning regulation text at Section 6, Uses Permitted Upon Review, Sub-section 601(5), City Council Action to read as follows:

(5) City Council Action. In the exercise of its review, the City Council may disapprove an application for a Use Permitted Upon Review; and in granting an application, may impose any conditions relative to location, character, density or other features of the proposed use of buildings or space as it may deem advisable in the furtherance of the purpose and intent of this ordinance. Protest petitions provisions and Super-majority voting requirements of Section 10, Administration, 16-1001(9) City Council Vote Under Protest, shall apply to City Council Action on a UPUR application.

The chairman opened the public hearing but nobody spoke, so he closed the hearing and brought it back to the commission. He remarked that he was surprised that it wasn't in there and that in the past we have had requests for petition.

Rose House moved that the City Council amend Section 6, Uses Permitted Upon Review, by applying protest petition provisions and super-majority voting requirements to UPUR applications. Ken Adkinson seconded the motion. There was no discussion and the vote was unanimous in favor, 5-0.

Under "Old Business" there was considerable discussion of the joint meeting held in Lawrence with the Lawrence-Douglas County Planning Commission on February 23rd concerning an application for a conditional use permit for a sand pit in the Eudora planning area north of the city.

Chairman von Achen commended the Eudora Planning Commission for their full attendance at the meeting and said he was pleased and proud of them. However, consensus from all five members was that they were very dissatisfied with the way the three and a half hour meeting was conducted, especially when it ended with tabling the question.

Eudora's commission had voted unanimously to deny the permit, and the many landowners present also had spoken against it. It was agreed that at this time the Lawrence-Douglas County Planning Commission is heavily weighted with members from the city of Lawrence. Chairman von Achen said that some years ago five members were from Lawrence and five were appointed from the county, but that has been changed. At the present time Eudora, Baldwin and Lecompton have no representation at all.

Adkinson mentioned that changes in the river channel and water table causes sink holes to develop in the valley. Others noted that all the sand will go for use in Kansas City, that the operation will employ only three people and that it definitely may endanger the city's water wells. Administrator Harrenstein, who had arrived during the conversation, said changes could force the city to alter its water treatment at great cost.

The chairman emphasized that when the Douglas County Commission holds the public hearing on the sand pit application it will be most important for all of them to again be present.

The final agenda item was consideration of setting a date for a public hearing to establish a zoning district classification for a .6 acre parcel of land recently annexed by consent petition. This property is located on the south side of 10th Street, adjacent to the corporate city limits. It is a business known as "Cecil Monday's Bar and Grill". It came into the city as Agricultural zoning and needs to be changed to Commercial.

Adkinson moved to advertise a public hearing for the regular April meeting of the planning commission to consider a zoning district classification for a .6 acre parcel of land located on the south side of 10th Street recently annexed by consent petition. Glenn Bartlett seconded the motion and the vote was unanimous in favor, 5-0.

Rose House moved to adjourn, Grant Martin seconded the motion, and the meeting adjourned at 8:09 p.m.

Signed: 
Chairman, Kurt von Achen

Signed: 
Secretary, Marjorie Gronniger